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NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

QURESHI, SHABANA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,282

Applicant(s)

LINDBERG ET AL.

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Claims 1-125 have been amended and are pending in this office action.

DETAILED ACTION

Claim Objections

2. The amendment filed November 1, 2004 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "communication system for establishing an Application layer... separate from the link layer connection between the users" (independent claims 1, 13, and 25).

Applicant is required to cancel the new matter in the reply to this Office Action.

3. Claim 125 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 125 claims the same matter as claim 28.
4. Claim 28 is objected to as being improper as it is listed twice in the current amendment with different limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1-125 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows: “communication system for establishing an Application layer... separate from the link layer connection between the users” (independent claims 1, 13, and 25).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyakawa et al (US Patent No. 6,298,060, hereinafter “Miyakawa”) in view of Bookspan et al (US Patent No. 6,636,888, hereinafter “Bookspan”).

In regards to claims 1 and 13, Miyakawa et al teach a method in a communication system for establishing a session between two or more users, the communication system comprising user end points, a network, and an intermediate end point, the user end points being able to be connected to the network by desired ones of access configurations, comprising the steps of

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a) initiating a session by a first user with a second user by sending a session invitation request signal from the first user over the network (Miyakawa, column 8, lines 35-42),

b) the intermediate point receiving the request (L2IA relay network 100, Miyakawa, column 7, lines 20-25), and

b1) associating a session invitation identity to the request (Miyakawa, column 6, lines 59-63, L2IA identifier),

b2) forwarding the request with the invitation identity to the second user over the network (Miyakawa, column 7, lines 10-42),

c) the second user selecting an end point and /or at least one access configuration for responding to the session invitation request (Miyakawa, column 8, lines 17-23, 43-55), and

d) responding to the request with selected end point and/or access configuration by appending the session invitation identity; and (Miyakawa, column 9, lines 10-19),

e) the intermediate point associating the response with the session invitation request signal and establishing the session (Miyakawa, column 8, lines 17-23, 43-55).

Miyakawa does not explicitly state that the method is directed to the application layer.

However, Bookspan provides an integrated environment where data is broadcast on the application layer (Bookspan, abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyakawa to include the same functionality taught by Miyakawa on an application layer as well as the link layer in order to realize and provide an interface for the integrated system via an application used by subscribers capable of providing multi-functional access to a computer network (Miyakawa, column 3, lines 43-49).

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As per claim 2, Miyakawa in view of Bookspan teach a method according to claim 1, characterized by providing the identity associated in step b1) as a random number or a tag (Miyakawa, column 3, lines 55-58; Miyakawa, column 9, lines 10-19).

As per claim 3, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by the intermediate point forwarding the invitation in accordance with user preference data defining how the invitation shall be forwarded to the second user (Miyakawa, Miyakawa, column 9, lines 10-19, Miyakawa, column 12, lines 34-35).

As per claim 4, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by providing the user preference data to define an endpoint and/or access configuration by which invitations to the second user shall be forwarded (Miyakawa, column 7, lines 52-62).

As per claim 5, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 6, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 7, Miyakawa in view of Bookspan teach the method according to claim 6 characterized by the second user selecting an end point and/or access configuration for

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responding to the session invitation based on the kind of the invited session (Miyakawa, column 2, lines 51-64).

As per claim 8, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 9, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 10, Miyakawa in view of Bookspan teach the method according to claim 1, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 11, Miyakawa in view of Bookspan teach the method according to claim 1. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

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As per claim 12, Miyakawa teaches the method according to claim 1, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 14, Miyakawa in view of Bookspan teach a method according to claim 13, characterized by providing the identity allocated in step b1) as a random number or a tag (Miyakawa, column 3, lines 55-58; Miyakawa, column 9, lines 10-19).

As per claim 15, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by the intermediate point forwarding the invitation in accordance with user preference data defining how the invitation shall be forwarded to the second user (Miyakawa, column 9, lines 10-19, Miyakawa, column 12, lines 34-35).

As per claim 16, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by providing the user preference data to define an endpoint and/or access configuration by which invitations to the second user shall be forwarded (Miyakawa, column 7, lines 52-62).

As per claim 17, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by informing the second user about the application layer session invitation together with the application layer session invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 18, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by the second user selecting the end point and/or access configuration for

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responding to the application layer session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 19, Miyakawa in view of Bookspan teach the method according to claim 18 characterized by the second user selecting end point and/or access configuration for responding to the application layer session invitation based on the kind of the invited session (Miyakawa, column 2, lines 51-64).

As per claim 20, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 21, Miyakawa in view of Bookspan teach the method according to claim 13, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 22, Miyakawa in view of Bookspan teach the method according to claim 13, characterized in that the application layer session invitation is in the form of real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 23, Miyakawa in view of Bookspan teach the method according to claim 13 Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change

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of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 24, Miyakawa teaches the method according to claim 13, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

In regards to claim 25, Miyakawa et al teach a method in a communication system for establishing of an application layer session between two or more users separate from a link layer connection between the users, the communication system comprising user end points, a network, and an intermediate end point, the user end points being able to be connected to the network by desired ones of available link-layer technologies, the establishment comprising the steps of:

- a) initiating a session by a first user with a second user by sending a session invitation request signal from the first user over the network to the second user (Miyakawa, column 8, lines 35-42),
- b) the intermediate point receiving the request (L2IA relay network 100, Miyakawa, column 7, lines 20-25), and associating a session invitation identity to the request (Miyakawa, column 6, lines 59-63, L2IA identifier), and forwarding the request with the invitation identity to the second user over the network (Miyakawa, column 7, lines 10-42),
- c) enabling the second user to select between more than one terminal for response (Miyakawa, column 5, lines 13-46), and to select an access configuration for the session (Miyakawa, column 5, lines 13-46), and

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e) enabling the second user to respond to the request with the selected terminal and access configuration (Miyakawa, column 5, lines 13-46).

Miyakawa does not explicitly state that the method is directed to the application layer. However, Bookspan provides an integrated environment where data is broadcast on the application layer (Bookspan, abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyakawa to include the same functionality taught by Miyakawa on an application layer as well as the link layer in order to realize and provide an interface for the integrated system via an application used by subscribers capable of providing multi-functional access to a computer network (Miyakawa, column 3, lines 43-49).

As per claim 26, Miyakawa teaches the method according to claim 25, characterized by also enabling the second user in step I) to append a received session invitation identity corresponding to the selected terminal, for inclusion with the response in step c).

As per claim 27, Miyakawa teaches the method according to claim 13, characterized by enabling the second user, in case of receiving an invitation request, to select between steps of

A) keeping terminal and access configuration or session (Miyakawa, column 5, lines 13-46),

B) keeping terminal and changing access configuration for session (Miyakawa, column 5, lines 13-

46),

C) changing terminal and keeping access configuration for session (Miyakawa, column 5, lines 13-

46),

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D) changing terminal and access configuration for session (Miyakawa, column 5, lines 13-46).

As per claim 28, Miyakawa in view of Bookspan teach the method of claim 27, characterized by enabling the second user, in case of receiving an invitation request if any of steps c) or d) prevail, to transfer application layer session information to a new terminal (Miyakawa, column 5, lines 13-46).

As per claim 28, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by the intermediate point forwarding the invitation in accordance with user preference data defining how the invitation shall be forwarded to the second user (Miyakawa, column 9, lines 10-19, Miyakawa, column 12, lines 34-35).

As per claim 29, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 30, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 31, Miyakawa in view of Bookspan teach the method according to claim 4, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 32, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 33, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 34, Miyakawa in view of Bookspan teach the method according to claim 4, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 35, Miyakawa in view of Bookspan teach the method according to claim 5, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 36, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 37, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a

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multimedia desktop, a lap top, or an end point belonging to a LAN of the second user
(Miyakawa, column 6, lines 52-59).

As per claim 38, Miyakawa in view of Bookspan teach the method according to claim 4, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user
(Miyakawa, column 6, lines 52-59).

As per claim 39, Miyakawa in view of Bookspan teach the method according to claim 5, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user
(Miyakawa, column 6, lines 52-59).

As per claim 40, Miyakawa in view of Bookspan teach the method according to claim 6, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user
(Miyakawa, column 6, lines 52-59).

As per claim 41, Miyakawa in view of Bookspan teach the method according to claim 7, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user
(Miyakawa, column 6, lines 52-59).

As per claim 42, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

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As per claim 43, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 44, Miyakawa in view of Bookspan teach the method according to claim 4, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 45, Miyakawa in view of Bookspan teach the method according to claim 5, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 46, Miyakawa in view of Bookspan teach the method according to claim 6, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 47, Miyakawa in view of Bookspan teach the method according to claim 7, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 48, Miyakawa in view of Bookspan teach the method according to claim 2, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 49, Miyakawa in view of Bookspan teach the method according to claim 3, characterized by providing the session invitation in step a) as real time text, audio, audio and

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text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 50, Miyakawa in view of Bookspan teach the method according to claim 4, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 51, Miyakawa in view of Bookspan teach the method according to claim 5, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 52, Miyakawa in view of Bookspan teach the method according to claim 6, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 53, Miyakawa in view of Bookspan teach the method according to claim 7, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 54, Miyakawa in view of Bookspan teach the method according to claim 8, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 55, Miyakawa in view of Bookspan teach the method according to claim 9, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 56, Miyakawa in view of Bookspan teach the method according to claim 2. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 57, Miyakawa in view of Bookspan teach the method according to claim 3. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 58, Miyakawa in view of Bookspan teach the method according to claim 4. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to

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allow for the time required for the possible change of endpoint and/or access configuration.

However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 59, Miyakawa in view of Bookspan teach the method according to claim 5. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 60, Miyakawa in view of Bookspan teach the method according to claim 6. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 61, Miyakawa in view of Bookspan teach the method according to claim 7. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 62, Miyakawa in view of Bookspan teach the method according to claim 8. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 63, Miyakawa in view of Bookspan teach the method according to claim 9. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change

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of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 64, Miyakawa in view of Bookspan teach the method according to claim 10. Miyakawa does not explicitly state the adjusting of timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to adjust timers to account for the delay in order to synchronize the system accordingly.

As per claim 65, Miyakawa teaches the method according to claim 2. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 66, Miyakawa teaches the method according to claim 3. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 67, Miyakawa teaches the method according to claim 4. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 68, Miyakawa teaches the method according to claim 5. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of

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ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 69, Miyakawa teaches the method according to claim 6. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 70, Miyakawa teaches the method according to claim 7. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system

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of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 71, Miyakawa teaches the method according to claim 8. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 72, Miyakawa teaches the method according to claim 9. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 73, Miyakawa teaches the method according to claim 10. Miyakawa does not explicitly state that the first users are informed about a possible change in session

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establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 74, Miyakawa teaches the method according to claim 11. Miyakawa does not explicitly state that the first users are informed about a possible change in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration. However, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that there would be a delay in transmission when a change of endpoint and/or access configuration occurs. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of Miyakawa to inform the first users to account for the delay in order to synchronize the system accordingly.

As per claim 75, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by the intermediate point forwarding the invitation in accordance with user preference data defining how the invitation shall be forwarded to the second user (Miyakawa, column 9, lines 10-19, Miyakawa, column 12, lines 34-35).

As per claim 76, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by informing the second user about the invitation together with the invitation

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identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 77, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 78, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by informing the second user about the invitation together with the invitation identified by means of a ringing signal, a buzz, a flash, or by E-mail (Miyakawa, column 3, lines 3-5, a telephone can ring, buzz, or carry an e-mail).

As per claim 79, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 80, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 81, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by the second user selecting the end point and/or access configuration for responding to the session invitation on the basis of available end points and access configuration (Miyakawa, column 9, lines 33-55).

As per claim 82, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 83, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 84, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 85, Miyakawa in view of Bookspan teach the method according to claim 17, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 86, Miyakawa in view of Bookspan teach the method according to claim 18, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 87, Miyakawa in view of Bookspan teach the method according to claim 19, characterized by using as end point by the second user a fixed telephone, a mobile phone, a PC, a

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multimedia desktop, a lap top, or an end point belonging to a LAN of the second user (Miyakawa, column 6, lines 52-59).

As per claim 88, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 89, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 90, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 91, Miyakawa in view of Bookspan teach the method according to claim 17, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 92, Miyakawa in view of Bookspan teach the method according to claim 18, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 93, Miyakawa in view of Bookspan teach the method according to claim 19, characterized by selecting by the second user the access configuration to be cellular, Ethernet, Token Ring, FDDI, Wireless LAN, Satellite, Bluetooth, etc (Miyakawa, column 7, lines 43-51).

As per claim 94, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by providing the session invitation in step a) as real time text, audio, audio and

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text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 95, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 96, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 97, Miyakawa in view of Bookspan teach the method according to claim 17, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 98, Miyakawa in view of Bookspan teach the method according to claim 18, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 99, Miyakawa in view of Bookspan teach the method according to claim 19, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

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As per claim 100, Miyakawa in view of Bookspan teach the method according to claim 20, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 101, Miyakawa in view of Bookspan teach the method according to claim 21, characterized by providing the session invitation in step a) as real time text, audio, audio and text, voice and streaming video, voice and real time video, voice and office tools or VR gaming (Miyakawa, column 6, lines 52-59).

As per claim 102, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 103, Miyakawa in view of Bookspan teach the method according to claim 15, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 104, Miyakawa in view of Bookspan teach the method according to claim 16, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 105, Miyakawa in view of Bookspan teach the method according to claim 17, characterized by adjusting timers in session establishment protocols to allow for the time

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required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 106, Miyakawa in view of Bookspan teach the method according to claim 18, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 107, Miyakawa in view of Bookspan teach the method according to claim 19, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 108, Miyakawa in view of Bookspan teach the method according to claim 20, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 109, Miyakawa in view of Bookspan teach the method according to claim 21, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

As per claim 110, Miyakawa in view of Bookspan teach the method according to claim 22, characterized by adjusting timers in session establishment protocols to allow for the time required for the possible change of endpoint and/or access configuration (Miyakawa, column 20, lines 52-65).

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As per claim 111, Miyakawa in view of Bookspan teach the method according to claim 14, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 112, Miyakawa in view of Bookspan teaches the method according to claim 15, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 113, Miyakawa in view of Bookspan teaches the method according to claim 16, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 114, Miyakawa in view of Bookspan teaches the method according to claim 17, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 115, Miyakawa in view of Bookspan teaches the method according to claim 18, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 116, Miyakawa in view of Bookspan teaches the method according to claim 19, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 117, Miyakawa in view of Bookspan teaches the method according to claim 20, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

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As per claim 118, Miyakawa in view of Bookspan teaches the method according to claim 21, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 119, Miyakawa in view of Bookspan teaches the method according to claim 22, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 120, Miyakawa in view of Bookspan teaches the method according to claim 23, characterized by informing the first user about a possible change of end point and/or access configuration to allow for the time required for the change (Miyakawa, column 20, lines 52-65).

As per claim 121, Miyakawa in view of Bookspan teaches the method according to claim 26, characterized by enabling the second user (B), in case of receiving an invitation request, to select between steps of

A) keeping terminal and access configuration or session (Miyakawa, column 5, lines 13-46),

B) keeping terminal and changing access configuration for session (Miyakawa, column 5, lines 13-

46),

C) changing terminal and keeping access configuration for session (Miyakawa, column 5, lines 13-

46),

D) changing terminal and access configuration for session (Miyakawa, column 5, lines 13-46).

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As per claim 122, Miyakawa in view of Bookspan teaches the method according to claim

1. Bookspan further teaches that multiple application layer sessions are established between the first and second users (Bookspan, abstract).

As per claim 123, Miyakawa in view of Bookspan teaches the method according to claim

13. Bookspan further teaches that multiple application layer sessions are established between the first and second users (Bookspan, abstract).

As per claim 124, Miyakawa in view of Bookspan teaches the method according to claim

15. Bookspan further teaches that multiple application layer sessions are established between the first and second users (Bookspan, abstract).

Response to Arguments

9. The arguments filed November 1, 2004 have been fully considered.

10. Applicant argues the following:

(1) Miyakawa's system is clearly directed to establishing a link layer connection rather than to an establishing an application session layer as claimed.

(2) Miyakawa fails to describe "the second user selecting an end point and/or at least one access configuration for responding to the application layer session invitation request."

(3) The claims recite that the response to the request includes "appending the application layer invitation identity" to the application layer session invitation request.

11. In response to applicant's first argument, applicant has added new matter to the specification. See 35 USC 112 rejection above. Examiner has modified her rejection in consideration of amendment made. See 35 USC 103 rejection above.

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12. In response to applicant's second argument, examiner asserts that that the subscribers taught by Miyakawa are users. Miyakawa teaches the following:

The L2IA subscribers are devices to be used by a user in order to utilize services of the L2 integrated access system. Basically, the user directly sets up a connection to the B-unit 110 that constitutes the L2IA relay network 100 through various communication media 200 by using the L2IA subscribers. The L2IA subscribers are provided in two forms, the e-unit 10 and the N-unit 20. The e-unit 10 is a device to be used by an individual user who moves around, and the N-unit 20 corresponds to an access server to be located at a home network of the user, which is accessible from a plurality of e-units (column 7, lines 20-30).

13. In response to applicant's third argument, Miyakawa teaches the appending of the invitation identity, which is interpreted to be the identity of the relay unit that receives the message. Applicant does not clarify in the claims that the invitation identity is separate from the receiving unit identity and therefore is arguing limitations not included in the claims.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990.

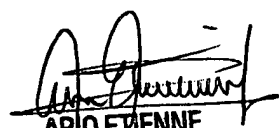
The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
Art Unit 2155

SQ
30 April 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100